

PATENT COOPERATION TREATY

from the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/005342

International filing date (day/month/year)
21.12.2004

Priority date (day/month/year)
26.01.2004

International Patent Classification (IPC) or both national classification and IPC
H04N7/62, H04N7/52, H04N7/58, H04N7/167

Applicant
NDS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**AP20 Rec'd JUN 2006
International application No.
PCT/GB2004/005342**Box No. I Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ In written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/GB2004/005342**Box No. II Priority**1. ☒ The following document has not been furnished:☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-29
	No: Claims	
Inventive step (IS)	Yes: Claims	1-29
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-29
	No: Claims	

2. Citations and explanations

see separate sheet

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

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Re Item V.

- 1 Reference is made to the following documents:
D1 : EP 1 172 953 A (MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD),
16 January 2002
D2 : US 2003/026423 A1 (UNGER ROBERT ALLAN ET AL), 6 February 2003
D3 : WO 03/084208 A (MITSUBISHI DENKI KABUSHIKI KAISHA; MATSUZAKI,
KAZUHIRO; KATO, YOSHIAKI), 9 October 2003,
whereby in the following reference is made to the late-published family member
(EP-A-1 432 228) written in English.
- 2 Document D1, which is considered to represent the most relevant state of the art,
discloses (the references in parentheses applying to this document):
a method for the timely combination of commercials with additional character data
interleaved with normal television program broadcasts in accordance with a
broadcast schedule (paragraphs [0167-0188]).

From this, the subject-matter of independent claim 1 differs in that:

- the time codes are not provided frame-wise and are not assembled as a
packetised elementary stream,
- the time codes are not encrypted and, therefore, no encryption key together
with an encryption method are received.

The subject-matter of claim 1 is therefore considered to be novel (Article 33(2)
PCT).

D2 (paragraphs [0033-0037], [0048-0050]) describes the parallel encryption of
partial program streams with different methods.

D3 (paragraphs [0034-0058]) discloses multiplexing of timing information with
layered video signals undergoing subsequent scrambling.

It appears that no combination of these documents with D1 would lead to a
method as claimed, consequently, the subject-matter of claim 1 is also considered
to involve an inventive step (Article 33(3) PCT).

- 2.3 The same reasoning applies, mutatis mutandis, to the subject-matter of the
related independent claims 6, 11, 16, 20, 24, 28 and 29 so that they are also

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considered to be new and inventive.

- 2.4 Claims 2-5, 7-10, 12-15, 17-19, 21-23 and 25-27 are each dependent on one of the above-mentioned independent claims and as such also meet the requirements of the PCT with respect to novelty and inventive step.